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ABSTRACT

Recognizing the legislative and institutional difficulties involved in complying with Section 504 of the Rehabilitation Act of 1973, this paper describes the efforts of St. Mary's Junior College (SMJC) to develop technical (i.e., non-academic) standards for college admission. The paper first points to particular legislative variables which must be considered, such as which section of the act applies to the college. Next, institutional considerations are discussed, including the importance of applying admissions procedures uniformly, examining the effects of present procedures on the handicapped, and studying the possible outcomes of revising those procedures. Steps to be carried out in revising admissions procedures are then reviewed. Next, the paper defines academic and technical standards for admission and discusses the role of faculty in establishing these standards. After reviewing the variables that should be considered in determining whether a college really needs technical standards, the paper describes SMJC's revision of its admissions procedures. This case study describes SMJC, a private junior college offering programs in allied health and human services fields, and the methods used by the college to: (1) develop technical standards for each program; (2) establish criteria for the technical standards; (3) implement the standards; and (4) gain administrative approval for the standards. (AYC)

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504 and Admissions: Making the Law Work for the Applicant and the College

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INTRODUCTION

With the passage of the Rehabilitation Act of 1973, as amended (Section 504), all colleges and institutions who received federal financial assistance were mandated to provide equal opportunity to their handicapped students and employees. Although the spirit of the law laudably intends to provide equal opportunity to the handicapped, many colleges have discovered more questions than answers in their attempts to comply with the law without watering down the quality of their educational programs.

Colleges covered by Section 504 have raised questions concerning the interpretation of the Section 504 legislation itself, its legal implications for them and how to actually develop and implement the required changes in admissions practices and procedures. Attempts have been made by the Office for Civil Rights (OCR) to address institutional questions like these through the publication of policy interpretations, which further explain portions of Section 504 and the presentation of regional technical assistance workshops for colleges and other institutions. The policy interpretations and workshops do help to clarify some of the more nebulous areas of the law; however, colleges are still not provided with sufficient information to proceed with the required reviews and revisions of their admissions procedures.

Thus, a college is left holding Section 504 in one hand and insufficient information in the other. Colleges must creatively seek additional information that can be used to assist them during the planning and implementation phases needed to carry out 504 admissions revisions. In addition, with the lack of guidance provided by the legislation and OCR, and the lack of models from which to begin, most colleges will have to find their own way through the 504 maze.

Recognizing these difficulties, this paper reports on just such a maze-blazing which was conducted at St. Mary's Junior College, a private junior college

which offers programs in allied health and human services fields. The paper focuses first on some of the variables involved in the effort to bring admissions procedures into compliance with Section 504, the development process used to evolve technical standards for admission, the integration of the technical standards statements into the existing College admissions procedures, and, finally, the outcomes of our effort.

THE COLLEGE AND THE LAW

There are a multitude of legislative and institutional variables to be considered when a college begins to examine its admissions procedures in light of the Rehabilitation Act of 1973. A college must first determine whether it is covered by Section 504 which prohibits discrimination against "otherwise qualified handicapped" individuals or by Section 503 which requires federal contractors to take affirmative action to employ known qualified handicapped individuals. Each section of the law contains different requirements. Since Section 504 is applicable to all colleges and institutions which receive federal financial assistance in the form of grants or loans (including student financial aid loan programs), most colleges are covered by Section 504. Section 503 is applicable to those colleges which have government contracts (usually of a procurement nature) of $2500.

Focusing on Section 504, note should be made of Subpart E which details the applicable requirements for postsecondary institutions, including subparts on recruitment and admissions. These requirements state that no otherwise qualified handicapped applicant can be denied admission solely on the basis of handicap. In addition, the law defines a handicapped person as "qualified" if s/he "meets the academic and technical standards requisite to admission to or participation in the recipient's educational program or activity." (45 CFR 84.3(K)) Thus, to be considered "qualified" for admission, a handicapped applicant must meet both the

academic and technical standards for admission to a college. Since academic and technical standards will vary depending on the college's policies and the programs it offers, a handicapped applicant may be considered qualified by one college and not qualified by another. This situation is the same for able-bodied applicants who may be admissible for one college, but not for another.

College admissions procedures must be applied uniformly across all applicants. All applicants must be evaluated on the same criteria. If a college requires applicants to meet the academic and technical standards in order to be admitted, all students admitted must have met these criteria. This may create situations in which handicapped applicants are denied admission since they are not able to meet either the academic or technical standards for admission, or both. In this case, the handicapped applicant would not be considered "qualified" for admission because s/he could not meet the admissions requirements, but the applicant would have received equal opportunity under Section 504. Since pre-admission inquiry of applicants regarding handicaps is not allowed under 504, a college admissions office may not always be aware that there are handicapped individuals among those applicants who are denied admission.

The effects of the present college admissions procedures on handicapped applicants must be examined along with the possible effects of the implementation of revised admissions procedures. If a college presently admits students on the basis of academic qualifications only, this must be communicated to all present and potential applicants and applied uniformly across applicants. A handicapped student applicant who is accepted on the basis of academic qualifications only, may or may not actually be "qualified" since there may be additional (unpublished) requirements within the college program which the handicapped student may not be able to meet. Unless a college had stated technical standards which specified the non-academic qualifications required for admission, this situation could pose problems for the handicapped student and the college. The college may learn, after a handicapped student's acceptance, that the student is unable to perform some

of the program requirements. The resolution of this problem will be difficult. The student could be given additional information about the requirements of the program so that s/he could decide whether success is realistically possible. Or, the student might be permitted to enter the program anyway. Or, the student may choose to sue the college on the grounds that s/he was provided with less than complete information regarding program requirements and that s/he was admitted, thus implying a possibility for success where that possiblity did not exist!

Similar consideration must be given to the possible outcomes of implementing an admissions procedure that has been revised to comply with Section 504. Colleges must be aware of the possibilities and the kinds of situations that may arise in preparation for the actuality. If a college decides to develop written technical standards statements and include them in the admissions procedures as a requirement, then all applicants would have to comply with the procedures and meet the standards in order to be admitted; neither academic nor technical standards could be waived as admissions requirements. Some of those applicants who were not admitted based on the inability to meet the academic and technical standards for admis on might be handicapped and might challenge the college claiming that the admissions procedure was discriminatory. The college must be ready to justify its procedures.

The particular and unique characteristics of each college (types of degrees, programs, instructional delivery systems, curricula, etc.) will help to determine the appropriate planning and development procedures to use when revisions of admissions procedures are beginning. A college must consider the 504 requirements as the outcomes that must be reached, given the unique characteristics of the college. The 504 requirements are what the college must accomplish during the admissions revision and the college's characteristics provide the given elements of the puzzle. Each college must then determine how to get from "the given" to "the outcomes."

The review and revision of admissions policies and practices is a college-wide effort that involves faculty, staff, students, officers of the college

(Admissions and Compliance) and the administration. The administration must demonstrate a commitment to the 504 revision effort by providing direction for the activity, monitoring the progress of the revision work and considering the impact of the revised procedures on the college as a whole.

Consideration must also be given to the presently functioning academic calendar and admissions timetables. The revision and implementation processes must not disrupt the existing college systems.

WHAT ARE ACADEMIC AND TECHNICAL STANDARDS FOR ADMISSION?

Academic standards for admission are those qualifications that indicate an applicant's achievement in academic areas. Some indicators of academic ability frequently used in admissions include HSR, standardized test scores, etc. In contrast, technical standards "refers to all non-academic admissions criteria that are essential to participation in the program in question." The law does not define what non-academic criteria are "essential." However, it appears that "essential" refers to those non-academic admissions criteria which are absolutely necessary for a student to successfully complete a program of study. In thinking about the non-academic standards for a program within a college, one must consider whether or not a student would be able to successfully complete the program without meeting the "essentials." If technical standards are developed, then <u>all</u> students would have to meet both the academic and technical standards. Handicapped students could not be singled out for the determination of whether or not they were able to meet the standards. We cannot make assumptions about which applicants may be handicapped and then apply the standards only to that group. Since "essentials" refers to <u>every</u> successful completion of a program, no "essential" can be waived for anyone. <u>All</u> applicants, then, would have to meet <u>all</u> of the technical standards for admission.

The "essentials" for each college or college program can only be determined by faculty. The faculty must determine what the essentials are and then be prepared

to defend the essentials which they have identified. Under 504, faculty must be able to defend their choices of particular essentials for each program. Each program's technical standards statements contain essential abilities which must be possessed by each applicant in order for the applicant to be considered admissible. The technical standards statements contain all the essential abilities which student applicants must possess prior to admission in order to successfully complete the program.

Academic and/or technical standards which are considered by a college to be essential because they are required by an outside licensing agency (e.g., a professional accrediting body) are not regarded as discriminatory, even though they may have a negative effect on handicapped applicants. If a requirement is shown to be essential because/required by a licensing agency, and a handicapped person is not able to meet that standard, then the person is not "qualified" under 504. Section 504 is not intended to dilute the quality of the education offered, nor the quality of the graduate. Section 504 does not require that legitimate essential program requirements be modified or waived.

it is

DOES YOUR COLLEGE REALLY NEED TECHNICAL STANDARDS?

The answer to this question will vary from college to college, and it is dependent upon the variables within the college itself. Section 504 does not require that all colleges develop technical standards, but instead allows colleges to develop them for use with academic standards in admissions decision-making. (Implicit also is the logic that if any non-academic standards are actually used in admissions decision-making, then they ought to be identified, published, and applied uniformly.) Particular majors, admissions procedures, program performance requirements, curricula, and external licensing requirements must be considered when a decision about technical standards development is made. The college administration may also be concerned about the legal implications of including technical standards in admissions procedures, and it may wish to determine if

other colleges are developing/using technical standards. Implications for image and problems resulting from "going out on a limb" are no small part of the decision to work on technical standards.

Four-year colleges and universities may have broad admissions requirements and major areas of study which do not contain substantial performance components. Students might be admitted to a college first, and later, after a period of pre-major work, need to meet additional criteria for admission to the major. Allied health education at the associate degree level has a greater need for technical standards since educational programs in allied health have substantial performance components which all students must be able to demonstrate in order to successfully complete a program of study. In order to maintain the quality of our graduates, and at the same time revise admissions requirements and procedures to comply with Section 504, the administration of St. Mary's Junior College charged the Compliance Officer to develop technical standards for admission and a process by which to implement the use of the standards.

ST. MARY'S JUNIOR COLLEGE: A CASE STUDY

Institutional Context St. Mary's Junior College is a private two-year college which offers associate degrees in allied health and human services fields (Chemical Dependency Family Treatment, Medical Laboratory Technician, Medical Records Technician, Nursing (AD), Occupational Therapy Assistant, Physical Therapist Assistant, Respiratory Therapist, and Special Education Associate). Applicants for admission to the college are evaluated on the basis of academic standards only. All college programs have developed graduate competencies, and all programs are competency-based in terms of instructional mode, delivery, and evaluation. Thus, each program has a list of graduate competency statements which represents performances which all students must be able to meet at stated levels of performance in order to graduate. These graduate competency statements were derived from the

professional requirements/Essentials of each allied health field. They focus on the competencies which the new graduate would need for entry into the respective professional role.

Development Given these institutional characteristics, the competency statements were used as the starting place for the development of each program's technical standards. (See Figure 1 for an example of a program's competency statements.) The competency statements for each program were the starting place, and the technical standards for each program were the outcomes. Those points or steps needed between starting point and outcome needed to be determined. A technical standards process worksheet was developed to specify the process steps necessary and to provide a place to record the development work as it progressed. (Refer to Figure 2.) The Compliance Officer conducted lengthy interviews with program directors and faculty within each program, using the process worksheet. Competency statements for each program were shared and interpreted in a group setting. The worksheet served as a guide for the discussions, allowing for the detailed specification, by faculty, of those abilities which were being demonstrated by competency statements. These abilities were defined as those capabilities which a student would need to possess prior to admission and without any previous education in the field. Thus, the abilities were innate abilities -- those which a student would bring with them. The competency statements include the knowledge and skill components; that is, the graduate competencies are a combination of innate abilities and the impact of instruction. Care was taken to extract innate ability from the impact of instruction.

Figure 2 includes the steps of the development process and an example from the Physical Therapist Assistant Program at St. Mary's Junior College. The competency statement is "position, transfer and transport patients." This competency and the "tasks to accomplish the competency" are defined in the graduate competencies for the PTA program. The "initial performer abilities,"

the "essential ability" and the technical standards statements are defined by the program director and faculty through follow-up interviews with the Compliance Officer. For the competency example here, the faculty determined that lifting, strength, balance, and walking were the abilities demonstrated, and that these abilities are essential. The resulting technical standards were judged to be those performances which would be required for the demonstration of the essential abilities. Each technical standard then reflected the essential ability required by the program in the context of professional practice in the field. In summary, then, each technical standard must:

-contain only one ability

-not specify "how" the ability is performed

-be worded in such a way to be understandable to student applicants

-be defended by each program's faculty as an essential ability, required of all students for success in the program

-not be waived for anyone

-not contain the effects of instruction (knowledge), but rather represent an ability possessed prior to instruction

-represent an ability from the cognitive, psychomotor or affective domains

Note that Figure 2 shows a technical standard (#5) which seems to refer to "how" the ability is to be performed (i.e., walking). In this particular case, the program faculty has indicated that this ability is, in fact, essential to successful completion of the program and for the competent functioning of a PTA on the job.

During the delineation of the essentials for each program, the Compliance Officer and faculty were well aware of the successful instructional accommodations which had already been made at St. Mary's Junior College for visually impaired students enrolled in college programs. This information helped in the decision about which standards were essential, and in the consideration of how applicants with differing handicaps might be able to meet the standard. For example, the

standard (#3) which refers to the ability to lift a 25-pound object is a legal technical standard in that the lifting is specified but not the manner in which the lifting is accomplished. In fact, some handicapped persons may not lift with their arms, but may use some type of lever system.

Implementation The Compliance Officer and the Director of Admissions began working on the development of a mechanism by which the technical standards statements for each program could be applied uniformly to all applicants for admission. Since the existing admissions procedures do not include an interview with each applicant, it was necessary to develop a method by which applicants could be assessed on the technical standards of the program(s) of interest to them without requiring their presence on campus. A self-assessment checklist format was agreed upon as appropriate. Applicants inquire about the College, specifying the program(s) which are of interest to them. Program-specific information, including an Application for Admission, is sent out upon request. The technical standards have been designed into a single sheet (program-specific) insert to the Application for Admission. (See Figure 3.) An Application for Admission is considered complete when all supporting materials (including the Technical Standards Statement for the declared program) are received by the college.

Administrative Approval The Administrative Group (senior staff) at St.Mary's Junior College has reviewed and approved each program's technical standards statements and the proposed implementation process. However, the administrators are concerned about the legal implications of incorporating the technical standards statements into the regular college admissions procedures as well as the content of the statements themselves. They have asked for a legal opinion from a private attorney who has experience in both civil rights and higher education in order to resolve their concerns. Until the legal opinion is obtained

the technical standards will not be integrated into the existing college admissions procedures.

CONCLUSIONS

This paper has discussed the considerations involved when a college begins to revise admissions procedures in order to comply with Section 504, particularly the development and implementation of technical standards for admission. A process by which non-discriminatory technical standards for admission can be extracted from college curricula was presented. This process was applied in a private junior college setting in which allied health and human service programs are conducted. After the technical standards statements have been given final approval by the college administration, they will be incorporated into the existing college admissions procedures. The technical standards statements for each program will appear on a self assessment checklist which will be distributed to all applicants with the college application form. Applicants who meet the academic and technical standards requirements will then be admitted.

The technical standards development process itself can serve as a valuable guide to educational institutions which are involved in revising their admissions procedures to comply with 504. The process can be individualized for each college/program by inserting the relevant institutional and curricular characteristics. Thus, the unique characteristics of the college will determine both the configuration of the process used to develop technical standards and the final shape of the outcomes.

Admissions officers need not be paranoid about Section 504. There is a way of curriculum searching in order to justifiably define those non-academic qualifications which applicants must possess in order to be admitted and successfully complete programs of study. The exercise of developing technical standards touches all levels of the college organization and community; it is an exercise of participation and understanding and one of reducing defensiveness and resentment of "the law."

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ST. MARY'S JUNIOR COLLEGE
Minneapolis, Minnesota

Competency Statements - Physical Therapist Assistant Program

The Physical Therapist Assistant is one member of a complex health care system. To function competently within this system, physical therapist assistants must be able to interpret their roles and work with the supervision of a Physical Therapist. The following skills must be practiced within the ethical/legal guidelines of the physical therapy profession and must be carried out in a safe, effective, and efficient manner.

The Physical Therapist Assistant will be able to:

1. Position, transfer and transport patients.

2. Administer the following techniques within a treatment program planned by the Physical Therapist:

   a. heat and cold
   b. massage
   c. exercise
   d. gait training
   e. electrical current
   f. intermittent venous compression
   g. traction
   h. pulmonary hygiene
   i. ultraviolet
   j. hydrotherapy
   k. activities of daily living
   l. bandages and dressings
   m. orthotics and prosthetics
   n. tilt table

3. Perform standard measuring techniques such as goniometry, circumference and vital signs.

4. Directly assist the physical therapist in performing tests, evaluations, and complex treatment procedures.

5. Observe, record and report patient information to appropriate health care professionals.

6. Modify treatment techniques in conference with the Physical Therapist.

7. Respond to acute changes in physiologic state.

8. Teach patients, families and health care providers.

9. Use interpersonal skills with patients, families and health care providers.

Figure 1 Competency Statements - Physical Therapist Assistant Program

TECHNICAL STANDARDS: Process Worksheet

Program Name	Competencies and Performance Criteria	Tasks to Accomplish the Competency	Initial Performer Abilities	Essential Ability?	Technical Standards Statements
	(List the competencies and criteria)	What an able-bodied student is doing while accomplishing the competency.	Describe the abilities involved in an able-bodied individual's performance of the tasks. What ability is the able-bodied student demonstrating?	Programs determine what is essential	
Physical Therapist Assistant	1. Position, transfer and transport patients.	1a. Position the patient, primarily in bed. 1b. Transfer: -move patient from wheelchair to bed -liter to bed -from liter to treatment table 1c. Transport: push patient in wheelchair or on liter.	1b.-lifting -strength -balance 1c.-walking -strength	-lifting -strength -balance -walking	3. I am able to lift a 25-pound object to chest height and move the object a distance of at least 5 feet. 4. I am able to keep my balance while helping a person move from one place to another.... 5. I have sufficient strength, orientation, and mobility so that I can walk with a person who may be leaning on me for support or who may be on crutches.

Figure 2 Technical Standards: Process Worksheet

ST. MARY'S JUNIOR COLLEGE
Minneapolis, Minnesota

TECHNICAL STANDARDS SHEET - Physical Therapist Assistant Program

This sheet is a required part of every Application for Admission to the Physical Therapist Assistant program at St.Mary's Junior College.

INSTRUCTIONS: Read carefully

1. Listed below are statements about your abilities (other than academic) as an applicant for the Physical Therapist Assistant Program at St. Mary's Junior College.
2. Read each statement carefully. Check the statement if it describes an action which you can perform. Do not change the statements in any way.
3. The statements assume that you have not yet been educated for work as a Physical Therapist Assistant. These statements are designed to find out whether you have the non-academic abilities to succeed in the PTA program. Don't be afraid of any statement. Maybe you have never faced the situation described. That's OK. Try to image similar situations you have faced, and then answer whether or not you feel confident that you have the basic ability asked for.
4. Sign your name, indicating that you have read the statements and have answered truthfully.
5. Return this sheet with your Application for Admission.

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___1. I am able to communicate in understandable speech.
___2. I am able to learn to observe a patient's reactions to physical therapy treatments such as changes in skin color, swelling, the presence of skin rashes.
___3. I am able to lift a 25-pound object to chest height and move the object a distance of at least 5 feet.
___4. I am able to keep my balance while helping a person move from one place to another, actually moving a person from one place to another, and moving a person in a wheelchair.
___5. I have sufficient strength, orientation and mobility so that I can walk with a person who may be leaning on me for support or who may be on crutches. (This includes your ability to walk with someone up and down stairs, across a long room, in and out of doorways, and along a pathway between parallel bars.)
___6. I have sufficient use of my hands and arms so that I could learn to use physical therapy equipment. (This includes adjusting straps and belts that buckle, snap, hook, or tie; handling and adjusting bars, small weights, clasps, switches, dials and levers.)
___7. I have sufficient use of my hands and arms so that I could learn to perform body massage.
___8. I am able to respond immediately in an emergency situation by taking appropriate action.
___9. I am able to understand written instructions.
___10. I am able to ask questions of others and understand their answers.

Figure 3
Technical Standards Sheet
PTA Program

_____
Signature of applicant
I have read each statement and answered truthfully.